



Haughley Neighbourhood Plan

Habitats Regulations Screening Determination

August 2018

Contents

	Page
1. Introduction	2
2. Legislative Background	2
3. Assessment	3
4. Screening Conclusion	4
5. Determination	4
Appendix 1: Responses from Statutory Consultees	5

HAUGHLEY NEIGHBOURHOOD PLAN

HABITATS REGULATIONS DETERMINATION 2018

1. Introduction

This assessment relates to the Haughley Pre-Submission Neighbourhood Plan 2016 – 2036, dated May 2018.

It is a requirement of European law that a plan or project is subject to an assessment to determine whether it will significantly affect the integrity of any European Site, in terms of impacting on the site's conservation objectives.

Submitted neighbourhood plans need to be accompanied by a statement explain how the proposed plan meets the “basic conditions” set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a HRA. This is one of the matters that will be tested as part of the independent examination of the Plan.

Whether a neighbourhood plan requires a habitats regulation assessment and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the potential impacts on European sites designated for their nature conservation interest

This report therefore determines whether a Habitats Regulations Assessment (HRA) under Directive 92/43/EEC, also known as the Habitats Directive¹, is required for the Haughley Neighbourhood Plan.

This determination refers to:

- A Screening Report prepared by Essex Place Services which can be viewed at: www.midsuffolk.gov.uk/HaughleyNP
- The responses to this from the statutory consultees (See Appendix).

2. Legislative Background

HRA is the a two-stage process to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest. Firstly, plans or programmes must be screened to determine if they are likely to have a significant effect (and are not plans connected to the management of the European site(s) in question). If it cannot be demonstrated during at the screening stage that the plan or programme will not have significant effects of the European site(s), an ‘Appropriate Assessment’ (AA) must then be undertaken, which is a much more detailed study of the effects of the plan or programme. The two parts together form a full HRA.

¹ Directive 92/43/EEC ‘on the conservation of natural habitats and of wild fauna and flora’: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

3. Assessment

In determining whether a proposed development plan or programme is likely to have significant effects, the local authority must incorporate the ‘precautionary principle’ into its decision. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a European site, the full AA would be required.

The vision of the Haughley Neighbourhood Plan is that by 2036 Haughley Parish will be a connected, viable and attractive rural area with a strong heritage and community spirit. It will have a range of homes and essential public services (including high speed broadband connection) that meet the growing needs of the community and are in keeping with the area. The natural and historic environment will be protected and enhanced. Haughley Parish will be a safe and sustainable rural community where people want to live and use into the future.

There are a number of European Sites within the wider Suffolk area. These are listed below:

<p>Special Areas of Conservation (SACs)</p> <ul style="list-style-type: none"> • The Broads • Benacre to Easton Barents Lagoons • Dews Ponds • Minsmere to Walberswick Heaths and Marshes • Alde-Ore and Butley Estuaries • Staverton Park and The Thicks, Wantisden • Orford Ness-Shingle Street • Waveney and Little Ouse Valley Fens • Rex Graham Reserve • Norfolk Valley Fens 	<p>Special Protection Areas (SPAs):</p> <ul style="list-style-type: none"> • Breckland • Broadland • Benacre to Easton Barents • Sandlings • Stour and Orwell Estuaries 	<p>RAMSAR sites:</p> <ul style="list-style-type: none"> • Broadland • Minsmere-Walberswick • Alde-Ore Estuary • Deben Estuary • Stour and Orwell Estuaries • Redgrave and South Lopham Fens • Chippenham Fen
--	--	---

A full assessment of the likely effect of the Plan’s policies and proposals on these sites is set out in the Screening Assessment prepared by Essex Place Services which can be viewed at:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Haughley-NP-HRA-SEA-Screening-Report-Jul18.pdf>

The screening has been prepared in accordance with the recent Court judgment (CJEU People Over Wind v Coillte Teoranta C323/17) which ruled that mitigation measures cannot be taken into account when carrying out a screening assessment to determine whether a plan or project is likely to result in significant effects on a Natura 2000 site.

4. Screening Conclusions

The screening assessment which was been undertaken concluded that no likely significant effects in respect of the European sites within 20km of Mid Suffolk district will occur as a result of the implementation of the Haughley Neighbourhood Plan. As such, the Neighbourhood plan does not require a full HRA to be undertaken. Natural England, Historic England and the Environment Agency were consulted on the report. Natural England and the Environment Agency agreed with the conclusions of the Screening Report and Historic England had no comment to make on the habitats regulation screening. Copies of the responses are attached at Appendix 1.

The Screening Report and subsequent screening opinion may need to be reviewed if significant changes are made to the Neighbourhood Plan prior to the Submission Stage (Regulation 16).

5. Determination

In the light of the Screening Report prepared by Essex Place Services and the responses from the statutory bodies it is determined that the Haughley Neighbourhood Plan does not require a Habitat Regulations Assessment.

Date: 23 July 2018
Our ref: 251365

Paul Munson
Mid Suffolk District Council



Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Munson

HAUGHLEY NEIGHBOURHOOD PLAN - SEA/HRA SCREENING REPORT

Thank you for your consultation on the above dated 3 July 2018. which was received by Natural England on 3 July 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment and Habitats Regulations Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Alice Watson
Consultations Team



Mr Paul Munson
Babergh District Council
Endeavour House Russell Road
Ipswich
Suffolk
IP1 2BX

Our ref: AE/2018/123031/01-L01
Your ref: SEA Screening
Date: 27 July 2018

Dear Mr Munson

SEA SCREENING FOR NHP 2016-2036

ENDEAVOUR HOUSE IPSWICH IP1 2BX

Thank you for consulting us on the 3 July 2018 regarding the SEA screening report.

We have reviewed the screening report as submitted and can confirm that we do not disagree with the conclusions drawn in the report.

We trust this information is useful.

Yours sincerely

Miss Natalie Kermath
Planning Advisor

Environment Agency
Cobham Road, Ipswich, Suffolk, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
End



Historic England

EAST OF ENGLAND OFFICE

Mr Paul Munson
Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

Direct Dial: [REDACTED]
Our ref: PL00459988

20 July 2018

Dear Mr Munson

RE: Haughley Neighbourhood Plan SEA Screening

Thank you for your email of 03 July 2018 regarding the above consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review this screening. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Haughley Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report considers that the Haughley Neighbourhood Plan will not have any significant effects on the historic environment..

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence dated 03 July 2018. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that, despite the SA/SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Yours sincerely,
Edward James
Historic Places Advisor, East of England